

REMARKS

This amendment is being filed concurrently with a Request for Continued Examination. Applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1-12 and 17-20 are pending, with claims 1, 5 and 9 being independent. Claims 1, 5, and 9, the independent claims have been amended. Claims 17-20 are new. Support for the amendments may be found at, for example, page 10, paragraph 33. No new matter has been added.

Hollstrom and Hoisko Rejection

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being rendered obvious by Hollstrom et al. (U.S. Pub. No. 2001/0041588) in view of Hoisko et al. (U.S. Pub. No. 2002/0082007). Applicant has amended the claims to obviate the § 103(a) rejection.

As amended, claim 1 now recites a device for inserting sound segments into a voice channel carrying a voice stream of a voice transmission communication device. The device includes a display configured to present a menu of two or more different sound segments available for selection. A communications interface is configured to establish a voice channel. A controller is configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger. The device includes two or more triggers adapted to be activated in response to a user input after the voice channel is established. The triggers are each configured to enable selection of a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel. The device includes a mixer that is configured to couple with the audio channel to receive a selected sound segment in response to a trigger activation and to inject the selected sound segment into the voice channel. The voice channel contemporaneously carries the selected sound segment and voice stream as a single output stream.

Applicant respectfully requests reconsideration and withdrawal of the rejection because, at the least, both Hollstrom and Hoisko fail to describe or suggest "two or more triggers adapted

to be activated in response to a user input after the voice channel is established, each trigger being configured to enable selection of a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel,” as recited in amended claim 1.

The primary reference, Hollstrom, is directed to a wireless phone that allows a user to listen to music. As shown in Figs. 1 and 5, Hollstrom teaches an accessory device 8 that is coupled to a phone. The accessory device 8 may include a flash card for loading music.

Specifically, paragraph 35 notes:

As mentioned, the MP3 audio files are delivered to the accessory device 8 via e.g. a Multi-Media Card that is inserted in a slot in the accessory device 8. An MMC of today may have 32 Mbytes of flash memory, which corresponds to about 30 minutes of hi-fi music or several hours of high quality voice audio.

While Hollstrom does describe mixing music for multiple users, Hollstrom does not disclose “a display configured to present a menu of two or more different sound segments available for selection” nor does Hollstrom disclose “a controller configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger.” Further, Hollstrom does not disclose “two or more triggers adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to enable selection of a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel.” These shortcomings of Hollstrom are understandable, given the apparent focus of Hollstrom on the problem of having to use separate devices for listening and communications,¹ which is described most clearly in its background section.

The Hollstrom shortcomings appears to be acknowledged by the Office Action, as the Office Action indicates its reliance on Hoisko to teach the original limitations of “a display configured to present a menu of two or more different sound segments available for selection” and “a controller configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger.” However, Applicant submits that reliance on Hoisko for these features is misplaced. Specifically, Applicant submits that Hoisko

¹ See Hollstrom, Paragraphs 1-23.

does not disclose or suggest “two or more triggers adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to enable selection of a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel.”

Hoisko teaches a method for expressing affective communication by telephone.² In Hoisko, music associated with an affective state (e.g., mood) playing in the background of the message gives the called party immediately an idea of the state of mind of the caller.³ For a call, suitable background music is specified in advance or by means of an automatic state of mind recognizer, such as, an electromyogram sensor.⁴

In Hoisko, the insertion of music is setup prior to the call, as shown in all four embodiments of the method.⁵ In one representative embodiment

When starting a call, the caller 32 determines his state of mind 52 and selects in the menu 28 the name of an effective state or musical composition, whereby a corresponding identifier 64 is stored in the phone's memory. After that, the caller makes a call...⁶

While Hoisko relates to the rendering of music, Hoisko therefore represents different technologies and is designed to realize different objectives. First, Hoisko discloses the selection of mood music before a call. Therefore, Hoisko does not disclose “two or more triggers adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to enable selection of a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel.” Second, Hoisko indicates that multiple inputs are required to find and select a specific musical composition. Therefore, Hoisko does not disclose “a controller configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger.”

The significance of these distinctions may be made apparent through reference to various of the available implementations of this technology. For instance, Applicant discloses one

² See Hoisko, Abstract

³ See Hoisko, Abstract.

⁴ See Hoisko, Paragraph [0021]

⁵ See Hoisko, Embodiments FIGS 3-6, and Paragraphs [0027, 0028, 0030, and 0031] respectively

⁶ See Hoisko Paragraph [0030]

implementation in which a user may timely interject content into an ongoing conversation. In this instance, a user may load a library with quotations from popular comedians and inject a particular quotation at a moment in the telephone call to achieve optimal comedic effect.

Hoisko's method simply does not enable similar functionality during a call. Hoisko simply has a different focus based on different goals.

Importantly, therefore, one of ordinary skill referencing the teachings of Hoisko would be led to adopt the teaching of that reference to achieve the goals articulated therein, and absent impermissible hindsight gleaned from the present application, would not be motivated to modify the Hoisko teaching to enable "two or more triggers adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to enable selection of a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel."

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claim 1 and its dependent claims 2-4.

Similarly to claim 1, each of independent claims 5 and 9 have been amended to recite limitations believed to place them in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claims 5 and 9, and their dependent claims 2-4 and 10-12, for at least the reasons discussed above with respect to claim 1.

Applicant submits that all claims are in condition for allowance.

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Please charge the fee of \$395, for filing a Request for Continued Examination (RCE), to deposit account 06-1050. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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Thomas Rozylowicz
Reg. No. 50,620

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331